

## SIXTY-NINTH DAY

(Continued)

(Tuesday, May 11, 1937)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Calvert.

## LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Little was granted leave of absence for today, on account of important business, on motion of Mr. Thornton.

## MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference report on Senate Bill No. 144, by the following vote: Yeas, 19; Nays, 7.

Adopted the conference report on House Bill No. 55, by the following vote: Yeas, 25; Nays, 1.

Adopted the conference report on House Bill No. 982 by a viva-voce vote.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 547.

The following have been appointed on the part of the Senate:

Senators Head, Redditt, Cotten, Oneal and Isbell.

Has passed

H. B. No. 1150, A bill to be entitled "An Act amending Section 7, Chapter 49, Local and Special Laws of the Thirty-fifth Legislature, Regular Session, creating the San Antonio Independent School District, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

## BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 1017, "An Act making it unlawful for butane, or liquified petroleum gas, or artificial or natural gas to be handled, stored, sold or distributed in this State by any person, firm, corporation or other concern, without first being malodorized or odorized so that it will be perceptible and recognizable by the sense of smell; partially defining such odorants or malodorants; empowering the Railroad Commission of Texas to pass upon the sufficiency of same and to issue rules and regulations for the enforcement of this law and giving same the force and effect of law; providing penalties for failure of any person, firm, corporations, or associations and their officers to comply herewith; empowering the Attorney General to bring suits for such enforcement and penalties, and declaring an emergency."

H. B. No. 1118, "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand (\$1,500,000.00) Dollars or less, and declaring an emergency."

H. B. No. 965, "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September and October for the purpose of taking fish; permitting the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1064, "An Act amending Article 1164, Revised Civil Statutes of Texas, 1925, by providing that the Board of Commissioners in any city or town containing less than 2,000 population according to the last preceding Federal Census may fix the salary of the mayor not to exceed \$600.00 per annum, and declaring an emergency."

CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 982

Mr. Nicholson, Chairman, submitted the following Conference Committee Report on House Bill No. 982:

Austin, Texas, May 10, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee, appointed to adjust differences between the House and the Senate on House Bill No. 982, have had same under consideration, and beg leave to report that we recommend the passage of House Bill No. 982 in the form attached hereto.

Respectfully submitted,

SHIVERS,  
MOORE,  
WESTERFELD,  
WINFIELD,  
RAWLINGS,

On the part of the Senate.

NICHOLSON,  
HOWARD,  
HULL,  
DICKISON,  
STINSON,

On the part of the House.

H. B. No. 982

A BILL

To Be Entitled

An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of Chapter 129, Acts of the Regular Session of the Forty-fourth Legislature, page 356, be and the same is hereby amended so as to hereafter read as follows:

"In all counties of this State having a population of more than one hundred thousand (100,000), and not in excess of two hundred and fifty thousand (250,000) inhabitants, according to the last preceding Federal Census, no person who is a candidate in a primary election of such county for nomination for State Senator or Representative in the Legislature, shall have his or her name placed on such pri-

mary ballot unless and until he or she has paid to the County Executive Committee of such county a sum to be fixed by such Executive Committee not to exceed Fifty (\$50.00) Dollars as his or her portion of the expenses for holding such primary election; and in all counties of this State having a population of more than two hundred and fifty thousand (250,000) inhabitants, according to the last preceding Federal Census, no person who is a candidate in a primary election of such county for nomination for State Senator or Representative in the Legislature, shall have his or her name placed on such primary ballot unless and until he or she has paid to the County Executive Committee of such county a sum to be fixed by such Executive Committee, not to exceed One Hundred and Fifty (\$150.00) Dollars, as his or her portion of the expenses for holding such primary election; and such candidate shall not be required to pay any other sum, or sums, to any other person or committee to have his or her name placed on the ballot as such candidate; except that any such candidate whose district includes another county or counties of less than one hundred thousand (100,000) population, according to the last Federal Census, shall pay to the Executive Committee of such other county, or counties, as may be in such candidate's district, an additional sum of One (\$1.00) Dollar and no more in each of said counties, to have his or her name placed on the ballot in each of such other counties."

Sec. 2. All laws, or parts of laws, in conflict herewith are hereby repealed as to those portions of such law, or laws, as are in conflict herewith.

Sec. 3. The fact that the Executive Committees do not have the right to assess a fee in excess of One (\$1.00) Dollar, and the further fact that this is causing financial difficulties to exist in the financing of primary elections in certain counties, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

On motion of Mr. Nicholson, the report was adopted.

CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 55

Mr. Alsup, Chairman, submitted the following Conference Committee Report on House No. 55:

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Gentlemen:

We, your free Conference Committee, appointed to adjust the difference between the Senate and House on House Bill No. 55, have had the same under consideration and recommend that the bill do pass in the form hereto attached.

Respectfully,

LEMENS,  
AIKIN,  
BECK,  
COTTEN,  
HILL.

On the part of the Senate.

ALSUP,  
BROWN,  
HANKAMER,  
THORNTON,  
TARWATER,

On the part of the House.

H. B. No. 55

A BILL

To Be Entitled

An Act to amend Article 2687, Revised Civil Statutes of Texas, of 1925, so as to provide for the payment of salaries of the County Board of Trustees out of the State and County Available School Fund, and providing that the provisions of this Act shall be cumulative of all existing laws on the subject, and shall, in no wise, repeal any special or local laws on the subject of this Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act, Article 2687, Revised Civil Statutes of Texas, of 1925, shall read as follows:

"Article 2687. Meetings. The County School Trustees shall hold meetings once each quarter, on the first Monday in August, February, May, and November, or as soon thereafter as practicable, and at other

times when called by the President of the County School Trustees or at the instance of any two (2) members of the County School Trustees and the County Superintendent, the meeting place to be at the county seat and in the office of the County Superintendent. Each Trustee shall be paid Three (\$3.00) Dollars per day, but not to exceed Thirty-six (\$36.00) Dollars in any one year, for the time spent in attending such meetings, out of the State and County Available School Fund by warrants drawn on order of the County Superintendent and signed by the President of the County School Trustees, after approval of the account, properly sworn to by the President of the County School Trustees."

Section 2. The provisions of this Act shall be cumulative of all existing laws on the subject, and shall, in no wise, repeal any special or local laws on the subject of this Act.

Section 3. The fact that the General Fund of the counties is very much depleted, the same making it impossible to pay the County School Trustees regularly, creates an emergency and an imperative public necessity, requiring the Constitutional Rule that bills shall be read on three several days should be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Alsup, the conference committee report was adopted.

SENATE BILL NO. 138 ON  
PASSAGE TO THIRD  
READING

The House resumed consideration of pending business, same being Senate Bill No. 138, relative to departmental appropriations, with committee amendment No. 1, pending.

The House having agreed to consider the amendment Section by Section and having under consideration at the time the Section of the amendment relative to the Department of Agriculture.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 10, line 27, by striking out the figures,

"\$9,000.00" and insert in lieu thereof the figures, "\$8,000.00".

HARDIN,  
PRESCOTT.

The amendment was adopted.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 10, line 5, by striking out the figures, "\$2,250.00" and insert in lieu thereof the figures, "\$2,000.00".

HARDIN,  
PRESCOTT.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 9, line 38, by striking out the figures, "\$2,250.00" and insert in lieu thereof the figures, "\$2,000.00".

HARDIN,  
PRESCOTT.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 9, line 34, by striking out the figures, "\$2,000.00" and insert in lieu thereof the figures, "\$1,800.00".

HARDIN,  
PRESCOTT.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 9, line 26, by striking out the figures, "\$2,400.00" and insert in lieu thereof the figures, "\$2,000.00".

HARDIN,  
PRESCOTT.

Mr. Leonard moved to table the amendment by Mr. Hardin.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—84

Adkins	Leyendecker
Alexander	Loggins
Alsup	Lucas
Baker	Mauritz
Blankenship	McConnell
Boyer	McFarland
Bradford	McKee
Broadfoot	McKinney
Burton	Moffett
Carssow	Monkhouse
Cauthorn	Morse
Davis of Jasper	Newton
Dean	Nicholson
Derden	Oliver
Dickison	Patterson of Mills
Dollins	Patterson
England	of Travis
Farmer	Pope
Felty	Quinn
Fuchs	Reed of Dallas
Hamilton	Rhodes
Harper	Roark
Harrell	Rutta
Harris of Dallas	Schuenemann
Hartzog	Settle
Holland	Sharpe
Hoskins	Shell
Howard	Simpson
Hull	Smith of Hopkins
Hyder	Smith
Jackson	of Matagorda
James	Stevenson
Johnson of Ellis	Stinson
Jones of Angelina	Stocks
Jones of Atascosa	Talbert
Jones of Falls	Tarwater
Keefe	Tennant
Keith	Thornberry
King	Thornton
Knetsch	Waggoner
Lanning	Walker
Leath	Westbrook
Leonard	Winfree

## Nays—29

Beckworth	Hardin
Bond	Harris of Archer
Bradbury	Jones of Wise
Bridgers	Kelt
Brown	Kern
Cagle	Langdon
Cathey	Lankford
Cleveland	Mann
Davisson	Metcalfe
of Eastland	Morris
Deglandon	Powell
Fielden	Reed of Bowie
Graves	Russell
Hanna	Weldon
Harbin	Wood

## Absent

Amos	Boethel
------	---------

Celaya	Petsch
Colquitt	Reader
Gibson	Riddle
Hankamer	Ross
Heflin	Sewell
Herzik	Skaggs
Johnson	Smith of Tarrant
of Tarrant	Tennyson
Kenyon	Vale
Mays	

## Absent—Excused

Bell	Little
Bates	London
Callan	McCracken
Davis of Haskell	McDonald
Davison of Fisher	Palmer
Fox	Prescott
Harris of Dickens	Ragsdale
Huddleston	Worley

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 9, line 24, by striking out the figures, "\$2,000.00" and insert in lieu thereof the figures, "\$1,800.00".

HARDIN,  
PRESCOTT.

The amendment was adopted.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, lines 11 and 12, page 8, by striking out the figures, "\$2,400.00" and insert in lieu thereof the figures, "\$2,000.00".

HARDIN,  
PRESCOTT.

Mr. Leonard raised a point of order, on consideration of the amendment, on the ground that an identical amendment was defeated on yesterday.

The Speaker sustained the point of order.

Mr. Hardin offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 9, line 14, by striking out the figures, "\$2,700.00" and insert in lieu thereof the figures, "\$2,350.00".

HARDIN,  
PRESCOTT.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Harris of Archer offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 8, by striking out all of lines 23 and 24.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Davis of Jasper offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 10, line 31, columns one and two, by striking out the figures "\$35,000.00" and substitute in lieu thereof the figures "\$30,000.00".

Mr. Jones of Wise offered the following substitute for the amendment by Mr. Davis of Jasper:

Amend committee amendment No. 1 to Senate Bill No. 138, page 10, line 31, by striking out "\$35,000.00" in both columns and insert in lieu thereof "\$25,000.00" in each column.

On motion of Mr. Leonard, the substitute amendment was tabled.

The amendment by Mr. Davis of Jasper was then adopted.

Mr. Smith of Matagorda moved the previous question on this section of the committee amendment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost by the following vote:

## Yeas—53

Adkins	Loggins
Alsup	Mann
Blankenship	McFarland
Bond	McKee
Boyer	Moffett
Cagle	Monkhouse
Cauthorn	Morse
Dean	Nicholson
Dickison	Patterson
Dollins	of Travis
Felty	Quinn
Fuchs	Reader
Graves	Reed of Bowie
Harbin	Rhodes
Harper	Schuenemann
Harris of Dallas	Settle
Hartzog	Shell
Howard	Simpson
Jackson	Smith
James	of Matagorda
Johnson of Ellis	Stocks
Johnson	Tarwater
of Tarrant	Thornton
Jones of Atascosa	Vale
Jones of Falls	Walker
Knetsch	Weldon
Leonard	Winfree
Leyendecker	Wood

## Nays—64

Alexander	Jones of Angelina
Amos	Jones of Wise
Baker	Keefe
Beckworth	Keith
Boethel	Kelt
Bradford	Kern
Bridgers	King
Broadfoot	Langdon
Brown	Lankford
Burton	Lanning
Carssow	Leath
Cathey	Lucas
Cleveland	Mauritz
Colquitt	Mays
Davis of Jasper	McConnell
Davisson	McKinney
of Eastland	Metcalfe
Deglandon	Morris
Derden	Newton
England	Patterson of Mills
Farmer	Petsch
Fielden	Powell
Gibson	Reed of Dallas
Hamilton	Roark
Hankamer	Sharpe
Hanna	Skaggs
Hardin	Smith of Hopkins
Harrell	Stevenson
Harris of Archer	Talbert
Herzik	Tennyson
Hoskins	Thornberry
Hull	Westbrook
Hyder	

## Absent

Celaya	Ross
Heflin	Russell
Holland	Sewell
Kenyon	Smith of Tarrant
Oliver	Stinson
Pope	Tennant
Riddle	

## Absent—Excused

Bates	London
Bell	McCracken
Bradbury	McDonald
Callan	Palmer
Davis of Haskell	Prescott
Davison of Fisher	Ragsdale
Fox	Rutta
Harris of Dickens	Waggoner
Huddleston	Worley
Little	

Mr. Jones of Wise offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1, page 8, by striking out item 10 and substituting in lieu thereof the following:

"Salaries and other expenses in inspection and eradication of citrus

canker, Mexican fruit fly and other pests, no salary to exceed \$1,500.00 per year—\$13,750.00—\$13,750.00"

On motion of Mr. Leonard, the amendment was tabled.

Mr. Leath offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 8, line 15, by striking out the figures "\$1,350.00" per year and insert the figures, "\$1,500.00" per year.

LEATH,  
TALBERT,  
JAMES,  
SMITH of Hopkins,  
McKINNEY,  
MAYS,  
OLIVER,  
MANN,  
HARDIN.

On motion of Mr. Leonard, the amendment was tabled.

Mr. Keefe offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 8, line 36, by adding the following: "and provided further that these inspectors shall spend a portion of their time in assisting farmers in preventing diseases that injure tomato raising".

The amendment was adopted.

Mr. Keefe offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 9, line 16, by adding this proviso after item 16: "Provided, however, that the tomato, watermelon, and fruit and vegetable raisers shall be furnished with daily bulletins as to the prices paid in markets for their products."

The amendment was adopted.

(Mr. Mauritz in the Chair.)

Mr. Morse offered the following amendment to the section of the committee amendment relative to the Attorney General's Department:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out "\$2,400.00" in each year on line 26, page 12, and inserting in lieu thereof "\$2,640.00" in each year.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Reed of Dallas offered the fol-

lowing amendment to this section of the committee amendment:

Amend committee substitute to Senate Bill No. 138, page 13, between line 20 and line 21, by adding a new item to be known as item 16-A to read as follows:

"To pay District Clerk of Travis County Court cost in the case of The State of Texas vs. Guaranty Trust Mutual Life Insurance Company, cause No. 51388, the amount of \$2,627.51."

Mr. Hardin raised a point of order, on consideration of the amendment, on the ground that amendment is not germane to the bill.

The Chair overruled the point of order.

Mr. Hardin moved to table the amendment by Mr. Reed of Dallas.

The motion to table prevailed.

Mr. Fielden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out "\$15,000.00" Sec. 21, line 33, page 14, and inserting in lieu thereof "\$12,000.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Keefe offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 13, line 5, by striking out that line and inserting in lieu thereof the following: "Law books and periodicals, \$5,000.00 and \$5,000.00."

On motion of Mr. Hyder, the amendment was tabled.

Mr. Fielden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out the figures "\$15,000.00" Sec. 14, line 16, page 13, and inserting in lieu thereof the figures "\$13,000.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Kelt offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 12, line 25, by striking out the figures "\$5,000.00" and insert in lieu thereof "\$4,500.00".

On motion of Mr. Hyder, the amendment was tabled.

Mr. Fielden offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out the figures "\$20,000.00" Sec. 18, line 30, page 13, and inserting in lieu thereof the figures "\$18,000.00".

On motion of Mr. Hyder, the amendment was tabled.

Question—Shall committee amendment No. 1 be adopted?

#### MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read the following message from the Governor:

Austin, Texas, May 11, 1937.

To the Members of the Forty-fifth Legislature:

I am disapproving and vetoing House Bill No. 518 for the following reasons:

1.

This bill authorizes the commissioners' court of Trinity County to condemn rights-of-way for roads through private property holdings so as to enable the general public, according to the recited purposes of the bill, to reach the Neches River to fish. A similar bill applying to Leon and Madison Counties was passed two years ago, but no opposition or protest was made to it; and therefore its defects were not made apparent at the time.

The State Game, Fish and Oyster Commission has requested the veto of this bill in a written communication to me reading as follows:

"This letter is written to request the veto of House Bill No. 518 by Loggins, which is a special law giving authority to the Commissioners Court of Trinity County to condemn right-of-ways through private property holdings on the Neches River in Trinity County.

"We recognize that the general law of this State, as it now exists, provides that the Commissioners' Court of any county may condemn road right-of-ways whenever a public necessity exists for such right-of-way and, therefore, if there is any public necessity for the road in Trinity County the Commissioners' Court at the present time has all of the authority that may be needed.

"If a road is opened along-side the Neches River and other roads are opened to reach the Neches River for each five miles of the length of such river in Trinity County, as the act contemplates, the task of protecting game in that section of the State will be much more difficult.

"By the creation of large game preserves in Trinity County a considerable stock of game has been built up and with continuous protection in the large land areas adjacent to the Neches River such stock of game will overflow to adjacent areas where it will be of general benefit to the entire public.

"Game law observance in Trinity County has not been generally good. There have been frequent encroachments upon the State game preserve properties, cutting of fences and other major depredations, upon occasion making it necessary to assign State Rangers to duty in that county to procure ordinary law enforcement.

"Making the large land holdings easily accessible to the public by the establishment of additional roadways, which may not at all be a public necessity, would certainly intensify, if not nullify, efforts to protect game in that section of the State. It is also recognized that the creation of additional road-ways to reach the Neches River in Trinity County would make more difficult game protection efforts in Angelina County on the other side of the Neches River.

"We believe that the Commissioners' Court and the District Court of the district in which Trinity County is located is competent to determine whether or not public necessity exists for the creation of additional roadways to the Neches River in Trinity County, and yet it is clear that House Bill No. 518 takes from the Commissioners' Court and the other courts of this State the responsibility of determining whether or not public necessity exists for the creation of additional road-ways to the Neches River in Trinity County, the Legislature of this State, through such purported local House Bill No. 518 having assumed that responsibility.

"We believe that House Bill No. 518 would create an unwise precedent and might be the entering wedge for additional legislation of this type, and assumption of responsibility by the Legislature of fact-determining which our Government contemplates should

be determined locally by properly constituted authorities."

In addition to these facts recited in the communication from the Game, Fish and Oyster Commission, I am informed that the premises in question are near a State game preserve. I am a believer in conservation, of our resources, and particularly our wild life. Experience has demonstrated that progress in this direction has been made largely due to the efforts of private landowners who have themselves financed protection and propagation on their own premises. I feel that to open up roads of this kind where no real public necessity exists will certainly tend to destroy the splendid work that has been done. I do not feel it is fair to landowners to make it possible to destroy the things they have accomplished. I feel the State should assist rather than handicap them in these efforts.

2.

At the present time under the general laws in this State the commissioners' court has a right to condemn rights-of-way for road purposes whenever public necessity exists therefor. I do not believe the Legislature by the passage of such an act as this should declare that such public necessity exists when the commissioners' court in that county has the power to do so.

3.

Section 9 of this bill authorizes the commissioners' court to order the opening of "a public road sixty (60) feet in width running parallel with and adjacent to the bank of any statutory navigable stream of this State for such distance as the Court may deem necessary, said right-of-way to be used for access to said public streams, and for camping purposes." Under this it would be possible for the commissioners' court to open up so-called public roads for camping purposes all along the river in Trinity County for some seven miles, as I understand. It would be possible for them to thus cut off the riparian landowners from entry or access themselves to the waters of the river. I do not believe this is right, or fair. The grant of power is too broad.

While it is true the act authorizes compensation, yet practical experience has demonstrated what such landowners may expect from a jury in a



community not interested in game conservation, but rather interested in establishing a site for fishing and camping purposes, which incidentally would afford the opportunity pointed out by the Game Department for unlawful hunting and trespassing upon the lands of other people.

4.

I seriously doubt the authority of the Legislature to enact this special legislation, applying alone to Trinity County, which authorizes the condemnation of rights-of-way for a road (which the county is not required to maintain) and for camping purposes, under Article 3, Section 56, of the Constitution, reading as follows:

"The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys."

It is true that in Article 8, Section 9, the Constitution provides "that the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws;" but this bill is not for the "maintenance" of public roads and highways. It is for the laying out of same; and, indeed, the bill expressly provides that the county shall not be required to maintain said highways.

For the reasons stated, the bill is accordingly disapproved, vetoed and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

**BILL ORDERED NOT PRINTED**

(By unanimous consent)

On motion of Mr. Petsch, House Bill No. 1173 was ordered not printed.

#### RECESS

Mr. Blankenship moved that the House recess until 2:00 o'clock p. m., today.

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., Wednesday, May 12.

Question recurring on motion to adjourn until 10:00 o'clock a. m., Wednesday, it was lost.

Question next recurring on the motion to recess until 2:00 o'clock p. m.,

today, it prevailed and the House, accordingly, at 12:05 o'clock p. m., took recess until 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### SENATE BILL NO. 138 ON PASSAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 138, relative to appropriations for State Departments, with committee amendment No. 1, pending.

The House having under consideration, at this time, the section of the bill relative to the Attorney General's Department.

Mr. Davis of Jasper offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 13, line 8, columns one and two, by striking out the figures "\$6,000.00" and substitute in lieu thereof the figures "\$5,500.00".

DAVIS of Jasper,  
FIELDEN.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Hardin offered the following amendment to the section of the committee amendment relative to the State Auditor and Efficiency Department:

Amend committee amendment No. 1 to Senate Bill No. 138, page 17, line 6, by striking out the figure "\$3,000.00" for 1938-1939, and insert in lieu thereof the figures "\$2,000.00", and change the total accordingly.

HARDIN,  
PRESCOTT.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Prescott offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 17, line 9, by striking out the figure for 1938-1939, "\$2,400.00", and insert in lieu thereof the figure "\$1,500.00", and change the total accordingly.

PRESCOTT,  
HARDIN.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Sharpe offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1, on page 15, line 27, by changing the figures "\$5,000.00" to read "\$3,600.00".

Mr. Hardin offered the following substitute amendment for the amendment by Mr. Sharpe:

Amend committee amendment No. 1 to Senate Bill No. 138, page 15, line 27, by striking out the figures, "\$5,000.00" and insert in lieu thereof the figures, "\$4,000.00".

HARDIN,  
PRESCOTT.

On motion of Mr. Thornton, the substitute amendment was tabled.

Mr. Harris of Archer offered the following substitute for the amendment by Mr. Sharpe:

Amend committee amendment No. 1 to Senate Bill No. 138, page 15, line 27, by striking out the figures "\$5,000.00" and inserting in lieu thereof the figures "\$4,700.00".

On motion of Mr. Thornton, the substitute amendment was tabled.

Mr. Thornton then moved to table the amendment by Mr. Sharpe.

The motion to table prevailed.

Mr. Hardin offered the following amendment to this section to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 15, line 29, by striking out the figures, "\$3,600.00" and insert in lieu thereof the figures, "\$3,000.00".

HARDIN,  
PRESCOTT.

Mr. Thornton moved to table the amendment by Mr. Hardin.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas—67

Adkins	Carssow
Alexander	Cauthorn
Alsup	Celaya
Amos	Cleveland
Blankenship	Colquitt
Bond	Davison
Bradford	of Eastland
Burton	Deglandon

Dickison	McKee
Dollins	McKinney
England	Metcalfe
Fuchs	Moffett
Graves	Monkhouse
Harper	Morris
Harrell	Morse
Harris of Dallas	Newton
Hartzog	Patterson
Hoskins	of Travis
Hull	Pope
Hyder	Quinn
Jackson	Reed of Dallas
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Wise	Settle
Keith	Simpson
Kenyon	Skaggs
King	Smith
Lanning	of Matagorda
Leath	Stocks
Leonard	Talbert
Loggins	Tarwater
Lucas	Thornberry
Mann	Thornton
Mauritz	Vale
McConnell	Walker

Nays—26

Beckworth	Johnson of Ellis
Bridgers	Kelt
Brown	Kern
Cagle	Knetsch
Davis of Jasper	Langdon
Derden	Lankford
Farmer	Patterson of Mills
Fielden	Reed of Bowie
Hamilton	Russell
Hanna	Sharpe
Harbin	Smith of Hopkins
Hardin	Weldon
Harris of Archer	Westbrook

Absent

Baker	Mays
Boethel	McFarland
Boyer	Nicholson
Broadfoot	Oliver
Cathey	Petsch
Dean	Powell
Felty	Reader
Gibson	Rhodes
Hankamer	Ross
Heflin	Schuenemann
Herzik	Sewell
Holland	Shell
Howard	Smith of Tarrant
James	Stevenson
Johnson	Stinson
of Tarrant	Tennant
Jones of Falls	Tennvson
Keefe	Winfree
Leyendecker	

## Absent—Excused

Bates	London
Bell	McCracken
Bradbury	McDonald
Callan	Palmer
Davis of Haskell	Prescott
Davison of Fisher	Ragsdale
Fox	Rutta
Harris of Dickens	Waggoner
Huddleston	Wood
Little	Worley

Mr. Fielden raised a point of order, that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Jones of Atascosa moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

## Yeas—5

Brown	Jones of Atascosa
Cagle	Morse
Hardin	

## Nays—88

Adkins	Harper
Alexander	Harrell
Alsup	Harris of Archer
Amos	Harris of Dallas
Beckworth	Hoskins
Blankenship	Hull
Boethel	Hyder
Bond	Jackson
Boyer	Johnson of Ellis
Bradford	Jones of Angelina
Bridgers	Jones of Wise
Broadfoot	Keith
Burton	Kelt
Carssow	Kern
Cauthorn	King
Celaya	Knetsch
Cleveland	Langdon
Colquitt	Lankford
Davison	Lanning
of Eastland	Leath
Deglandon	Loggins
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
England	McConnell
Farmer	McFarland
Fielden	McKinney
Fuchs	Metcalf
Graves	Moffett
Hamilton	Monkhouse
Hanna	Morris
Harbin	Newton

Patterson of Mills	Skaggs
Patterson	Smith of Hopkins
of Travis	Smith
Petsch	of Matagorda
Pope	Stocks
Quinn	Talbert
Reed of Bowie	Tarwater
Reed of Dallas	Thornberry
Roark	Thornton
Russell	Vale
Settle	Walker
Sharpe	Weldon
Shell	Westbrook
Simpson	

## Absent

Baker	Leyendecker
Cathey	Mays
Davis of Jasper	McKee
Dean	Nicholson
Felty	Oliver
Gibson	Powell
Hankamer	Reader
Hartzog	Rhodes
Heflin	Riddle
Herzik	Ross
Holland	Schuenemann
Howard	Sewell
James	Smith of Tarrant
Johnson	Stevenson
of Tarrant	Stinson
Jones of Falls	Tennant
Keefe	Tennyson
Kenyon	Winfree
Leonard	

## Absent—Excused

Bates	London
Bell	McCracken
Bradbury	McDonald
Callan	Palmer
Davis of Haskell	Prescott
Davison of Fisher	Ragsdale
Fox	Rutta
Harris of Dickens	Waggoner
Huddleston	Wood
Little	Worley

The Speaker announced that the motion to adjourn was lost.

Mr. Metcalfe moved a call of the House for the purpose of securing and maintaining a quorum until 4:00 o'clock p. m., today, and the call was duly ordered.

Mr. Metcalfe moved that the Sergeant-at-Arms be instructed to bring in all absent Members within the city who are not ill.

The motion prevailed.

The roll of the House was called and the following Members were present:

Mr. Speaker	Alexander
Adkins	Alsup

Amos	Jones of Wise
Baker	Keefe
Beckworth	Keith
Blankenship	Kelt
Boethel	Kenyon
Bond	Kern
Boyer	King
Bradford	Knetsch
Bridgers	Langdon
Broadfoot	Lankford
Brown	Lanning
Burton	Leonard
Cagle	Loggins
Carssow	Lucas
Cathey	Mauritz
Cauthorn	McConnell
Celaya	McFarland
Cleveland	McKee
Colquitt	McKinney
Davis of Jasper	Metcalfe
Davisson	Moffett
of Eastland	Monkhouse
Deglandon	Morris
Derden	Morse
Dickison	Newton
Dollins	Patterson of Mills
England	Patterson
Farmer	of Travis
Felty	Petsch
Fielden	Pope
Fuchs	Quinn
Gibson	Reader
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Hankamer	Riddle
Hanna	Roark
Harbin	Russell
Hardin	Settle
Harper	Sharpe
Harrell	Shell
Harris of Archer	Simpson
Harris of Dallas	Skaggs
Hartzog	Smith of Hopkins
Herzik	Smith
Holland	of Matagorda
Hoskins	Stevenson
Hull	Stinson
Hyder	Stocks
Jackson	Talbert
James	Tarwater
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Walker
Jones of Atascosa	Weldon
Jones of Falls	Westbrook
Absent	
Dean	Mays
Heflin	McDonald
Howard	Nicholson
Leath	Oliver
Leyendecker	Powell
Mann	Rhodes

Ross	Tennant
Schuenemann	Tennyson
Sewell	Winfree
Smith of Tarrant	

Absent—Excused

Bates	London
Bell	McCracken
Bradbury	Palmer
Callan	Prescott
Davis of Haskell	Ragsdale
Davison of Fisher	Rutta
Fox	Waggoner
Harris of Dickens	Wood
Huddleston	Worley
Little	

The Speaker announced that there was a quorum present.

Mr. Harris of Dallas moved to reconsider the vote by which the call of the House was ordered.

Mr. Jones of Wise moved to table the motion by Mr. Harris of Dallas.

The motion to table prevailed.

Question then recurring on the motion to table the amendment by Mr. Hardin, it prevailed.

Mr. Sharpe offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1, on page 15, line 29, by changing the figures from "\$3,600.00" to "\$3,000.00".

Mr. Harris of Dallas raised a point of order, on consideration of the amendment, on the ground that the House has heretofore defeated a similar amendment.

The Speaker sustained the point of order.

Mr. Hardin moved the previous question on this section of the committee amendment, relative to the State Auditor and Efficiency Department, and the main question was ordered.

Mr. Sharpe offered the following amendment to the section of the committee amendment relative to the State Banking Department:

Amend committee amendment No. 1, on page 18, line 27, by changing the figures from "\$5,500.00" to read "\$4,500.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Sharpe offered the following amendment to this section of the committee amendment:

Amend committee amendment No.

1 on page 18, line 28, by changing the figures "\$4,500.00" to read "\$4,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Sharpe moved the previous question on this section of the committee amendment, relative to the State Banking Department, and the main question was ordered.

Mr. Sharpe offered the following amendment to the section of the committee amendment relative to the State Commission for the Blind:

Amend committee amendment No. 1, by making correction on page 22, line 39, by striking out "furniture and equipment", and in lieu thereof substitute the following:

"operation, teachers' salaries, rehabilitation and placement, hospitalization, medical treatment for prevention of blindness and conservation of sight, glasses, artificial eyes—\$5,000.00."

The amendment was adopted.

Mr. Johnson of Tarrant offered the following amendment to the section of the committee amendment relative to the State Board of Barber Examiners:

Amend committee amendment No. 1 to Senate Bill No. 138, page 23, line 17, by striking out the figures "\$2,400.00" and insert in lieu thereof the figures "2,475.00".

Mr. Hyder moved to table the amendment by Mr. Johnson of Tarrant.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—81

Adkins	Cauthorn
Alexander	Celaya
Alsup	Cleveland
Amos	Colquitt
Beckworth	Derden
Blankenship	Dollins
Boethel	England
Bond	Felty
Boyer	Fielden
Bradford	Gibson
Broadfoot	Graves
Brown	Hamilton
Burton	Hanna
Cagle	Harbin
Carsow	Hardin
Cathey	Harper

Harrell	Monkhouse
Hartzog	Morse
Herzik	Newton
Hoskins	Oliver
Hyder	Patterson of Mills
Jackson	Petsch
Jones of Atascosa	Quinn
Jones of Falls	Reed of Bowie
Keefe	Rhodes
Keith	Riddle
Kelt	Russell
Kenyon	Settle
Kern	Sharpe
Knetsch	Simpson
Langdon	Smith
Lankford	of Matagorda
Lanning	Stinson
Leonard	Stocks
Loggins	Talbert
Lucas	Tennyson
Mauritz	Thornberry
McConnell	Thornton
McKinney	Walker
Metcalfe	Weldon
Moffett	Westbrook

## Nays—20

Baker	Jones of Wise
Davis of Jasper	King
Deglandon	McKee
Dickison	Morris
Farmer	Patterson
Harris of Dallas	of Travis
Holland	Pope
Johnson of Ellis	Reader
Johnson	Reed of Dallas
of Tarrant	Roark
Jones of Angelina	Smith of Hopkins

## Absent

Bradbury	McDonald
Bridgers	McFarland
Davisson	Nicholson
of Eastland	Powell
Dean	Ross
Mays	Schuenemann
Fuchs	Sewell
Hankamer	Shell
Harris of Archer	Skaggs
Heflin	Smith of Tarrant
Howard	Stevenson
Hull	Tarwater
James	Tennant
Leath	Vale
Leyendecker	Winfree
Mann	

## Absent—Excused

Bates	Huddleston
Bell	Little
Callan	London
Davis of Haskell	McCracken
Davison of Fisher	Palmer
Fox	Prescott
Harris of Dickens	Ragsdale

Rutta  
Waggoner

Wood  
Worley

Mr. Thornton offered the following amendments to the section of the committee amendment relative to the State Board of Control:

Amend committee amendment to Senate Bill No. 138, page 27, line 37 of the printed bill, by striking out the figures "\$6,000.00" in the second column.

Amend committee amendment to Senate Bill No. 138, page 28, line 14, by striking out the figures "\$5,000.00" in the second column.

Amend committee amendment to Senate Bill No. 138, page 27, line 40 of the printed bill by striking out the figures "\$1,594.00" in the second column.

The amendments were severally adopted.

Mr. Harris of Dallas offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, line 10, page 26, Sec. 52, by adding a new Section to be known as Sec. 52a: "Chief day Watchman (who shall have special Ranger commission) One Hundred Twenty-five (\$125.00) Dollars per month."

On motion of Mr. Alsup, the amendment was tabled.

Mr. Thornberry offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 27, lines 16 and 17, by striking therefrom all words and figures and inserting in lieu thereof the following:

"Watchman for dome \$864.00—\$864.00."

Mr. Fielden offered the following substitute amendment for the amendment by Mr. Thornberry:

Strike out figures "\$855.00", Sec. 75, line 16, page 27 and insert in lieu thereof the figures "\$960.00".

Mr. Harris of Dallas moved to table the amendment by Mr. Fielden.

The motion to table was lost.

The substitute amendment was then adopted.

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Fielden offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, committee amendment No. 1, by striking out the figures "\$1,500.00" in Secs. 66, 68 and 69, lines 37, 39 and 40 and inserting in lieu thereof the figures "\$1,620.00" respectively.

The amendment was adopted.

Mr. Roark moved the previous question on the section of the amendment relative to the State Board of Control, and the motion was not seconded.

Mr. Harris of Archer offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 24, line 26, by striking out the figures "\$4,600.00" and insert in lieu thereof "\$4,200.00".

The amendment was lost.

Mr. Alexander offered the following amendment to this section of the committee amendment:

Amend committee substitute for Senate Bill No. 138, by striking out all of line 14 on page 26, and inserting in lieu thereof the following: "54 Elevator (freight) Operators, \$1,350.00, \$1,350.00".

On motion of Mr. Alsup, the amendment was tabled.

Mr. Holland offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 27, line 13, by striking out the figures "\$72.00" and inserting in lieu thereof the figures "\$75.00", and amend the totals in each column to conform.

On motion of Mr. Alsup, the amendment was tabled.

Mr. Thornton offered the following amendment to the section of the committee amendment relative to the State Board of Health:

Amend House committee amendment to Senate Bill No. 138, page 37, line 16, of the printed bill, by striking out the abbreviation "U. S. P. H. S." and inserting in lieu thereof the following: "United States Public Health Service".

The amendment was adopted.

Mr. Smith of Matagorda offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, page 36, line 18, by changing the figures "\$2700" to "\$3000".

On motion of Mr. Alsup, the amendment was tabled.

Mr. Reader offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, after line 18, page 38, add the following:

	For the Years Ending	
	August 31, 1938	August 31, 1939
12 Medical Directors, the annual salary of each not to exceed \$3600.00 .....	\$ 43,200.00	\$ 43,200.00
12 Sanitary Engineers, the annual salary of each not to exceed \$2400.00 .....	28,800.00	28,800.00
12 Inspectors, the annual salary of each not to exceed \$1800.00 .....	21,600.00	21,600.00
12 Nurses, the annual salary of each not to exceed \$1500.00 .....	18,000.00	18,000.00
12 Stenographers, the annual salary of each not to exceed \$1200 .....	14,400.00	14,400.00
Traveling Expenses for all Districts .....	43,200.00	43,200.00
Supplies, equipment, postage, telephone, telegraph and contingent expenses .....	24,000.00	24,000.00
Total .....	\$193,200.00	\$193,200.00

READER,  
FIELDEN,  
CATHEY,  
HERZIK,  
FELTY,  
HAMILTON,  
CAUTHORN,  
McCONNELL,  
MONKHOUSE,  
PATTERSON of Travis,  
BROADFOOT,  
LEATH,  
DICKISON,  
STOCKS,  
FUCHS,  
MANN,  
DAVIS of Haskell,  
JACKSON,  
AMOS,  
RHODES,  
SMITH of Matagorda,  
LEYENDECKER,  
LONDON,  
CLEVELAND,  
ALSUP,  
THORNBERRY,  
JONES of Falls,  
ADKINS.

Mr. Alsup moved to table the amendment by Mr. Reader.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—36

Alexander	Hyder
Alsup	Johnson of Ellis
Beckworth	Jones of Atascosa
Bond	Kenyon
Bridgers	Kern
Cagle	King
Colquitt	Lanning
Deglandon	Loggins
Derden	Mauritz
Farmer	Metcalfe
Gibson	Morris
Graves	Powell
Hanna	Reed of Dallas
Hardin	Smith of Hopkins
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hoskins	Thornton
Howard	Walker

## Nays—76

Adkins	Cleveland
Amos	Davis of Jasper
Baker	Davisson
Blankenship	of Eastland
Boethel	Dickison
Boyer	Dollins
Bradford	England
Broadfoot	Fielden
Brown	Fuchs
Burton	Hamilton
Carssow	Hankamer
Cathey	Harbin
Cauthorn	Harper
Celaya	Harrell

Hartzog	Morse
Herzik	Newton
Holland	Oliver
Hull	Patterson of Mills
Jackson	Patterson
James	of Travis
Johnson	Petsch
of Tarrant	Quinn
Jones of Angelina	Reader
Jones of Falls	Reed of Bowie
Jones of Wise	Rhodes
Keefe	Riddle
Keith	Roark
Kelt	Russell
Knetsch	Schuenemann
Langdon	Simpson
Lankford	Skaggs
Leath	Smith
Lucas	of Matagorda
Mays	Stevenson
McConnell	Stinson
McCracken	Stocks
McFarland	Talbert
McKee	Thornberry
Moffett	Weldon
Monkhouse	Westbrook

## Absent

Dean	Ross
Felty	Settle
Heflin	Sewell
Leonard	Sharpe
Leyendecker	Shell
Mann	Smith of Tarrant
McDonald	Tennant
McKinney	Vale
Nicholson	Winfree
Pope	

## Absent—Excused

Bates	Little
Bell	London
Bradbury	Palmer
Callan	Prescott
Davis of Haskell	Ragsdale
Davison of Fisher	Rutta
Fox	Waggoner
Harris of Dickens	Wood
Huddleston	Worley

Question then recurring on the amendment by Mr. Reader, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—88

Adkins	Boyer
Alsop	Bradford
Amos	Broadfoot
Baker	Brown
Blankenship	Burton
Boethel	Carssow
Bond	Cathey

Cauthorn	Leath
Celaya	Loggins
Cleveland	Lucas
Davis of Jasper	Mays
Davison	McConnell
of Eastland	McCracken
Dickison	McFarland
Dollins	McKee
England	Moffett
Fielden	Monkhouse
Fuchs	Morris
Hamilton	Morse
Hankamer	Newton
Harbin	Oliver
Hardin	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Dallas	Petsch
Hartzog	Pope
Herzik	Quinn
Holland	Reader
Hoskins	Reed of Dallas
Hull	Rhodes
Jackson	Riddle
James	Roark
Johnson of Ellis	Russell
Johnson	Schuenemann
of Tarrant	Settle
Jones of Angelina	Shell
Jones of Atascosa	Simpson
Jones of Falls	Skaggs
Jones of Wise	Smith
Keefe	of Matagorda
Keith	Stinson
Kelt	Stocks
Kenyon	Talbert
Knetsch	Thornberry
Langdon	Weldon
Lankford	Westbrook

## Nays—24

Beckworth	Hyder
Bridgers	Kern
Cagle	King
Colquitt	Lanning
Deglandon	Mauritz
Derden	Metcalfe
Farmer	Reed of Bowie
Gibson	Smith of Hopkins
Graves	Tarwater
Hanna	Tennyson
Harris of Archer	Thornton
Howard	Walker

## Absent

Alexander	McKinney
Dean	Nicholson
Felty	Palmer
Harris of Dickens	Prescott
Heflin	Ragsdale
Leonard	Rutta
Leyendecker	Waggoner
Mann	Wood
McDonald	Worley



## Absent—Excused

Bates	Powell
Bell	Ross
Bradbury	Sewell
Callan	Sharpe
Davis of Haskell	Smith of Tarrant
Davison of Fisher	Stevenson
Fox	Tennant
Huddleston	Vale
Little	Winfree
London	

Mr. Reader moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Alsup offered the following amendments to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, on page 38, line 9, by striking out the figures "\$10,000.00" in the second column of figures.

Amend committee amendment to Senate Bill No. 138, on page 38, line 13, by striking out the figures "\$10,000.00" in the second column.

The amendments were severally adopted.

Mr. Reed of Dallas offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, line 10, page 38, by increasing the amount to \$50,000 each year.

REED of Dallas,  
BLANKENSHIP,  
HARRIS of Dallas,  
HANNA,  
STINSON.

Mr. Alsup moved to table the amendment by Mr. Reed of Dallas.

The motion to table was lost.

Question then recurring on the amendment by Mr. Reed of Dallas, it was adopted.

Mr. Harris of Dallas moved the previous question on the section of the committee amendment relative to the State Board of Health, and the main question was ordered.

Mr. Knetsch offered the following amendment to this section of the committee amendment relative to State Board of Insurance Commissioners:

Amend Senate Bill No. 138, page 45, line 8, item 8, by striking out the figures "\$1,350.00" and insert in lieu

thereof the following: "\$1,800.00" in each column.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Hartzog moved the previous question on this section of the committee amendment, and the motion was not seconded.

Mr. Baker moved that the call of the House be extended until 5:00 o'clock p. m., today.

The motion prevailed.

Mr. Johnson of Ellis offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 38, line 25, by striking out the figures "\$4,200.00" and inserting in lieu thereof the following: "\$3,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Johnson of Ellis offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 38, line 31, by striking out the figures "\$2,400.00" and inserting in lieu thereof the following: "\$2,000.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Thornton offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, page 38, by striking out items 2 and 3.

The amendment was adopted.

Mr. Harris of Dallas offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, by striking out the figures "\$1,350.00" in line 10, page 45, and insert in lieu thereof the figures "\$1,440.00" and change totals to conform.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Thornton offered the following amendments to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, by striking out line 26 on page 45.

Amend committee amendment to Senate Bill No. 138, page 45, line 10, by changing figures to "\$4,050.00 — \$4,050.00".

The amendments were severally adopted.

(Mr. Alexander in the Chair.)

Mr. Derden offered the following amendment to the section of the committee amendment relative to the State Board of Pardons and Paroles:

Amend committee amendment No. 1 to Senate Bill No. 138, line 23, page 48, by striking out the figures "\$3,000.00" and insert in lieu thereof the figures "\$2,400.00", and reduce the figures in both columns to \$7,200.00.

On motion of Mr. Hyder, the amendment was tabled.

Mr. Quinn offered the following amendment to this section of the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 138, by striking out the figures "\$4,000.00 — \$4,000.00" in line 28, page 48, and insert the figures "\$5,400.00 — \$5,400.00".

The amendment was adopted.

Mr. Beckworth offered the following amendment to the section of the committee amendment relative to the State Board of Water Engineers:

Amend Senate Bill No. 138, page 48, line 39, by striking out the figures "\$15,000.00" and inserting in lieu thereof the following: "\$9,900.00".

Mr. Morris offered the following substitute for the amendment by Mr. Beckworth:

Amend Senate Bill No. 138, page 48, line 39, by striking out the figures "\$15,000.00 — \$15,000.00" and substitute therefor the figures "\$10,800.00 — \$10,800.00".

MORRIS,  
BECKWORTH.

The amendment was adopted.

Question then recurring on the amendment, as substituted, it was adopted.

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 48, line 40, by striking out the figures "\$2,400.00" and inserting in lieu thereof the following: "\$1,800.00".

On motion of Mr. Leonard, the amendment was tabled.

Mr. Beckworth offered the following amendment to this Section of the committee amendment:

Amend Senate Bill No. 138, page 49, line 8, by striking out the figures "\$8,100.00" and inserting in lieu thereof the following: "\$6,600.00 —

1 at \$2,225.00; 1 at \$2,000.00; 1 at \$1,800.00".

On motion of Mr. Leonard, the amendment was tabled.

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 49, line 10, by striking out the figures "\$5,400.00" and inserting in lieu thereof the following: "\$2,500.00".

The amendment was adopted.

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 49, line 19, by striking out the figures "\$2,000.00" and inserting in lieu thereof the following: "\$1,500.00".

On motion of Mr. Leonard, the amendment was tabled.

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 49, line 21, by striking out the figures "\$2,500.00" and inserting in lieu thereof the following: "\$2,000.00".

Mr. Leonard moved to table the amendment by Mr. Beckworth.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—57

Alsop	Jones of Atascosa
Baker	Jones of Falls
Blankenship	Keefe
Boethel	Keith
Bond	Kenyon
Bradford	Leath
Carssow	Leonard
Cauthorn	Loggins
Celaya	Lucas
Colquitt	McConnell
Dean	McCracken
Dickison	McFarland
Dollins	McKinney
Fuchs	Monkhouse
Hankamer	Morse
Hartzog	Newton
Herzik	Patterson
Holland	of Travis
Hoskins	Pope
Howard	Quinn
Hyder	Reader
Jackson	Reed of Dallas
James	Riddle
Johnson	Schuenemann
of Tarrant	Settle

Shell  
Stinson  
Stocks  
Tarwater  
Thornberry

Thornton  
Vale  
Walker  
Winfree

## Nays—55

Adkins	King
Amos	Knetsch
Beckworth	Langdon
Bridgers	Lankford
Broadfoot	Lanning
Brown	Mauritz
Burton	Mays
Cathey	Moffett
Cleveland	Morris
Davis of Jasper	Oliver
Davisson	Patterson of Mills
of Eastland	Petsch
Deglandon	Powell
Derden	Reed of Bowie
England	Rhodes
Farmer	Roark
Fielden	Russell
Gibson	Sharpe
Graves	Simpson
Hamilton	Skaggs
Hanna	Smith of Hopkins
Harbin	Smith
Hardin	of Matagorda
Harrell	Smith of Tarrant
Harris of Archer	Talbert
Johnson of Ellis	Tennyson
Jones of Angelina	Weldon
Jones of Wise	Westbrook
Kern	

## Present—Not Voting

Kelt

## Absent

Alexander	Mann
Boyer	McKee
Cagle	Metcalfe
Felty	Nicholson
Harper	Ross
Harris of Dallas	Sewell
Heflin	Stevenson
Hull	Tennant
Leyendecker	

## Absent—Excused

Bates	London
Bell	McDonald
Bradbury	Palmer
Callan	Prescott
Davis of Haskell	Ragsdale
Davison of Fisher	Rutta
Fox	Waggoner
Harris of Dickens	Wood
Huddleston	Worley
Little	

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend Senate Bill No. 138, page 49, line 24, by striking out the figures "\$5,000.00" and inserting in lieu thereof the following: "\$2,500.00".

The amendment was adopted.

Mr. Beckworth offered the following amendment to this section of the committee amendment:

Amend committee amendment to Senate Bill No. 138, by striking out the figures "\$40,000.00" and inserting in lieu thereof the following: "\$25,000.00".

Mr. Leonard moved to table the amendment by Mr. Beckworth.

The motion to table was lost.

Question then recurring on the amendment by Mr. Beckworth, it was adopted.

Question—Shall committee amendment No. 1 be adopted?

#### TO PROVIDE FOR SPECIAL COMMITTEE

Mr. Jones of Falls offered the following resolution:

Whereas, the House has learned that the funeral of Dr. H. Y. Benedict will be held tomorrow afternoon; and

Whereas, This House desires to honor Dr. Benedict's memory by having a suitable delegation attend his funeral; therefore, be it

Resolved, That the Speaker appoint a committee to represent the House, and that the Chief Clerk be instructed to send a suitable floral offering.

JONES of Falls,  
METCALFE,  
THORNBERRY,  
JONES of Wise,  
THORNTON,  
DAVISSON of Eastland,  
KNETSCH,  
CARSSOW.

The resolution was read second time, and was unanimously adopted.

#### HOUSE JOINT RESOLUTION NO. 26 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 26, Proposing an amendment to Article III of the

Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to the blind and for aid to dependent children and for the payment of same not to exceed Fifteen Dollars per month each to actual bona fide citizens of Texas and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirements as may be found expedient in cases of aid to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the blind and aid to dependent children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The Chair laid the resolution before the House with the Senate amendments.

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the resolution.

The motion prevailed.

#### RECESS

Mr. Reed of Dallas moved that the House recess until 9:00 o'clock a. m., tomorrow.

Mr. McKinney moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Blankenship moved that the House recess until 7:30 o'clock p. m., today.

Mr. Johnson of Ellis moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn until 9:00 o'clock a. m., tomorrow, it was lost.

Question next recurring on the motion to recess until 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion to recess was lost by the following vote:

#### Yeas—37

Baker	Lankford
Beckworth	Leath
Blankenship	Leonard
Davis of Jasper	Loggins
Derden	Lucas
England	Moffett
Fielden	Morris
Gibson	Patterson of Mills
Hamilton	Patterson
Harbin	of Travis
Hardin	Petsch
Harper	Quinn
Herzik	Reed of Dallas
Hoskins	Roark
Johnson of Ellis	Russell
Jones of Wise	Tennyson
Kelt	Thornberry
Kern	Walker
King	Weldon
Knetsch	

#### Nays—72

Adkins	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Falls
Boyer	Keefe
Bradford	Keith
Bridgers	Kenyon
Broadfoot	Lanning
Burton	Mauritz
Carssow	Mays
Cathey	McConnell
Cauthorn	McFarland
Celaya	McKee
Cleveland	McKinney
Colquitt	Metcalf
Davisson	Monkhouse
of Eastland	Morse
Dean	Newton
Deglandon	Nicholson
Dickison	Oliver
Dollins	Pope
Farmer	Powell
Fuchs	Prescott
Graves	Reader
Hankamer	Reed of Bowie
Hanna	Rhodes
Harris of Archer	Riddle
Harris of Dallas	Schuenemann
Hartzog	Settle
Holland	Shell
Howard	Simpson
Hyder	Smith of Hopkins
Jackson	Smith
James	of Matagorda
Johnson	Stevenson
of Tarrant	Stinson

Talbert  
Tarwater  
Thornton

Westbrook  
Winfree

**Absent**

Alexander	Mann
Boethel	McCracken
Bond	Ross
Brown	Sewell
Cagle	Sharpe
Felty	Skaggs
Harrell	Smith of Tarrant
Heflin	Stocks
Hull	Tennant
Langdon	Vale
Leyendecker	

**Absent—Excused**

Bates	Little
Bell	London
Bradbury	McDonald
Callan	Palmer
Davis of Haskell	Ragsdale
Davison of Fisher	Rutta
Fox	Waggoner
Harris of Dickens	Wood
Huddleston	Worley

Question next recurring on the motion to recess until 9:00 o'clock a. m., tomorrow, it was lost.

Question then recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed, and the House, accordingly, at 5:15 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

**APPENDIX**

**STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 1171; Senate Bill No. 493.

Game and Fisheries: House Bill No. 1174.

**REPORT OF THE COMMITTEE ON ENGROSSED BILLS**

Committee Room,

Austin, Texas, May 11, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1169, A bill to be entitled "An Act fixing the compensation of official shorthand reporters in Dis-

trict Courts in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any future Federal Census, providing methods of payment, repealing all laws and parts of laws in conflict to the extent of such conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

**SIXTY-NINTH DAY**

(Continued)

(Wednesday, May 12, 1937)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Calvert.

**LEAVES OF ABSENCE GRANTED**

(By unanimous consent)

Mr. Jones of Falls was granted leave of absence for this morning, on account of illness in his family, on motion of Mr. Celaya.

Mr. Dean was granted leave of absence for today and the balance of the week, on account of important business, on motion of Mr. McKinney.

On motion of Mr. Heflin, the following Members who were named as official representatives of the House to greet the President of the United States at A. & M. College, on yesterday, were granted leaves of absence: Messrs. Callan, Davis of Haskell, Harris of Dickens, Davison of Fisher, Waggoner, Bell, London, Bates, Ragsdale, McDonald, Prescott, Worley, Huddleston, Bradbury, Wood, Rutta, Palmer and Fox.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 12, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 140, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Redditt, Winfield, Holbrook, Brownlee and Oneal.